

## **REMARKS**

Claims 1-5, 7-15 and 17-23 are pending and were addressed in the Office Action.

Applicants' representative would like to thank Examiner Boyce for the courtesy of a telephonic interview on October 7, 2010, in which the outstanding rejection the pending claims of this application under 35 U.S.C. §103 in view of Wojcik (U.S. Patent 5,666,493) and Duncan (U.S. Patent 6,934,692) was discussed. While agreement was not reached on any pending claim, Applicants appreciate the Examiner's time and attention and it is believed that a mutual understanding of the limitations of the cited references and of the innovative feature provided by the invention was achieved.

As previously indicated, all of the pending claims 1 – 5, 7 – 15 and 17 – 23 stand rejected under 35 U.S.C. §103 as allegedly being obvious over Wojcik (U.S. Patent 5,666,493) in view of Duncan (U.S. Patent 6,934,692). However, the amendments entered herewith highlight an innovative feature of the invention alluded to above and thus provide a novel and nonobvious distinction over the cited references. Specifically, independent claims 1 and 11 have been amended to recite that the claimed process and system are useful to permit participants to schedule dock times for picking up or dropping off aggregated shipments of multiple shippers. Support for this amendment is found in the application as filed at least at the penultimate paragraph of page 13.

Neither Wojcik nor Duncan disclose systems that can accommodate the scheduling of aggregated shipments of multiple shippers. The Wojcik system, for example, is wholly designed for use by a single supplier to its customers, and so clearly has no provision for aggregated shipments from multiple shippers to their customers. Duncan, on the other hand, is directed to a system which allows buyers and sellers to transact business between them (see col.3, lines 37-49). However, facilitating one-to-one transactions between individual buyers and sellers is not the same as and does not disclose, suggest or enable, a method and system for making aggregated shipments as recited in the pending claims. Moreover, nowhere even mentions the use of an appointment calendar for setting pickup or delivery times for aggregated truckload shipments.

For at least for foregoing reasons, claims 1 and 11 and the claims depending therefrom clearly define subject matter that is novel and nonobvious over Wojcik et al. and Duncan. Only the Applicant has conceived of a process and system which provides an appointment calendar that is specific to a ship location and which is accessible to multiple buyers and multiple sellers so that the buyers and sellers can request specific appointments at the ship location for the transfer of aggregated shipments of goods from multiple shippers. Since the prior art fails to disclose or even suggest the existence of such an appointment calendar, the basis of the stated obviousness rejection, i.e., the assertion that the claimed invention is merely a combination of old elements, is clearly incorrect. Accordingly, withdrawal of the stated rejection under 35 U.S.C. §103 is therefore respectfully requested.

Dependent claims 2 and 12; claims 3 and 13; 4 and 14 and claims 9, 10, 19 and 20 all provide additional bases for patentability, as argued in the Applicant's paper filed May 4, 2010 in response to the Office Action of March 2, 2010.

Reconsideration and allowance of Claims 1 – 5, 7 – 15 and 17 – 23 are respectfully requested in light of the amendments and following remarks. Should the Examiner believe that another such interview would be helpful to move this application toward allowance, in view of the amendments and argument provided herein, the Examiner is respectfully invited to contact the undersigned.

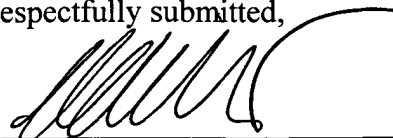
The Applicant believes that no fees are due with the submission of this Amendment and Reply. However, any fees that may be necessary to maintain the pendency of the present application may be charged to the undersigned attorney's Deposit Account No. 50-4380.

Application No. 10/822,103  
Amendment dated November 16, 2010  
Reply to Office Action dated June 16, 2010

The Examiner is invited to contact the undersigned should the Examiner deem it advantageous to further advance prosecution of this application.

16 November 2010  
Date

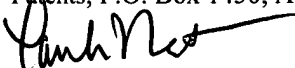
Respectfully submitted,

  
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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

  
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Paula V. Testani  
Dated: November 16, 2010